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SUPREME COURT, U.S.
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IN THE

Supreme Court of the United States

October Term, 1960
No. 417

SOUTHERN COUNTIES GAS COMPANY OF CALIFORNIA, a corporation,

Petitioner,

vs.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, RICHFIELD OIL CORPORATION, a corporation, and SOUTHERN CALIFORNIA EDISON COMPANY, a corporation,

Respondents.

Petition for a Writ of Certiorari to the Supreme Court of the State of California.

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IN THE

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OCTOBER TERM, 1960

No. .....

SOUTHERN COUNTIES GAS COMPANY OF CALIFORNIA, a corporation,

Petitioner,

vs.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, RICHFIELD OIL CORPORATION, a corporation, and SOUTHERN CALIFORNIA EDISON COMPANY, a corporation,

Respondents.

Petition for a Writ of Certiorari to the Supreme Court of the State of California.

The petitioner, Southern Counties Gas Company of California, respectfully prays that a writ of certiorari issue to review a judgment of the Supreme Court of the State of California annulling two orders of the Public Utilities Commission of that state. The commission's orders determined that the respondent Richfield Oil Corporation, in respect of its natural gas operations, was a public utility subject to the jurisdiction of the commission and that it should cease and desist from constructing or operating a pipeline for the transmission of natural gas to the public unless the public convenience and necessity therefor were shown.

Opinions Below.

1. The main opinion of the Public Utilities Commission is reported in 57 Cal. P. U. C. 276, 30 P. U. R. 3d 1. A second opinion is not reported. Both opinions are annexed hereto in Appendix A to this petition, pages 1-92.

2. The opinion of the State Supreme Court is reported in 54 Adv. Cal. 363, 54 Cal. 2d ....., 6 Cal. Rptr. 548, 354 P. 2d 4. It is printed in Appendix B, pages 93-119.

Jurisdiction.

1. The judgment sought to be reviewed was entered on July 1, 1960. [*Doc.* 15/247; Appendix B, p. 93.[1]] It became final in the court below on July 31, 1960. [*Cal. Rules on Appeal*, Rule 24(a), 50 Cal. 2d 22.

2. A timely petition for rehearing was filed by this petitioner on July 15, 1960, and was denied on July 27, 1960. [*Docs.* 15/248, 15/249.]

3. The jurisdiction of this Court is invoked under 28 United States Code, Section 1257(3).

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[1]The record as transmitted by the commission to the State Supreme Court was not paged. The documents were numbered consecutively and were contained in folders, each of which was also numbered. The record here is in the same form. Accordingly, record references in this petition indicate the folder and document numbers, thus: "*Doc.* 3/52." The number preceding the slant-sign is the number of the folder; the following number is that of the document in question.

The Reporter's Transcript of the hearings before the commission was paged. So, references to that part of the record in this petition are indicated by the initials "R. T." followed by the appropriate page numbers. The transcript to which reference is made in this petition is found in folders 9 to 13, inclusive, documents 214 *et seq.*

4. The grounds upon which that jurisdiction is invoked are that the state supreme court has decided a substantial federal question in a way not in accord with the applicable decisions of this Court; and has decided another substantial federal question not theretofore decided by this Court.

Questions Presented.

1. A California statute having provided that a transmitter of natural gas in that state must obtain a certificate of public convenience and necessity from the state public utilities commission before constructing a pipeline through which that gas will be transmitted for compensation to the public or some part thereof for use for light, heat or power, does the due process clause of the Fourteenth Amendment to the Constitution of the United States compel the state court to hold this legislative enactment inapplicable to a transmitter who has not dedicated his pipeline or transmission facilities to a public use?

2. Assuming dedication to be necessary, was it effected by and immediately upon the transmitter's agreement, made pursuant to the federal Mineral Lands Leasing Act of 1920 [30 U. S. C., sec. 185] as a condition of receiving permission from the United States to construct and maintain its gas-transmission pipeline upon public lands of the United States, that it would construct, operate and maintain that pipeline as a common carrier?